

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----- X
DEVON HICKSON

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK
DEPARTMENT OF CORRECTIONS, AND THE NEW
YORK CITY POLICE DEPARTMENT,
and various officers whose identities are presently unknown

Defendant.
----- X

Index # _____

Plaintiff Designates Kings
County as the Place of Trial

Basis for Summons:
Place of Occurrence

SUMMONS

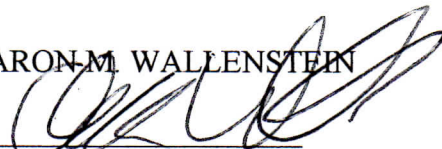
TO THE ABOVE NAMED DEFENDANT:

Plaintiff's Address:
508 Underdunk Avenue, Apt. 21
Ridgewood, NY 11385

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this Summons, exclusive of the date of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint, plus interests and costs from the date of occurrence.

Dated: New York, New York
November 4, 2014

AARON M. WALLENSTEIN



Attorney for Plaintiff
DEVON HICKSON
160 Broadway – Suite 600
New York, New York 10038
(212) 227-7588

DEFENDANT'S ADDRESS:

THE CITY OF NEW YORK
100 Church Street
New York, NY 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----- X
DEVON HICKSON

Plaintiff,

- against -

Index # _____

VERIFIED COMPLAINT

THE CITY OF NEW YORK, THE NEW YORK
DEPARTMENT OF CORRECTIONS, AND THE NEW
YORK CITY POLICE DEPARTMENT,
and various officers whose identities are presently unknown

Defendant.
----- X

Plaintiff, DEVON HICKSON, by and through his attorney, Aaron M. Wallenstein, Esq.,
complaining against defendants, sets forth the following, upon information and belief:

1. Plaintiff, DEVON HICKSON, was present in the the County of the Kings, City,
and State of New York when injured by defendants.
2. Defendant, THE CITY OF NEW YORK, was and is a municipal corporation duly
organized and existing under and by virtue of the laws of the State of New York.
3. Defendant, THE NEW YORK CITY DEPARTMENT OF CORRECTIONS and
all its employees, is a department of and is under the control of defendant, THE CITY OF NEW
YORK.
4. Defendant, THE NEW YORK CITY POLICE DEPARTMENT and all its
employees, is a department of, and is under the control of defendant, THE CITY OF NEW
YORK.
5. On or about October 18, 2013, within ninety (90) days of the happening of the
occurrence referred to herein, the plaintiff duly served a verified Notice of Claim upon

defendants notifying said defendants of this claim, as required by Section 50-E of the General Municipal Law of the State of New York.

6. On or about the 8th day of February 12, 2014, a statutory hearing of plaintiff, DEVON HICKSON, was held pursuant to Section 50-H of the General Municipal Law of the State of New York.

7. More than thirty (30) days have elapsed since service of the aforesaid Notice of Claim and the claim has not been adjusted or paid.

8. This action has been commenced within one (1) year and ninety (90) days from the date of accrual of plaintiff's claims herein.

FIRST CAUSE OF ACTION – FALSE ARREST / IMPRISONMENT

9. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "8" of this complaint with the same force and effect as if more fully set forth herein at length.

10. On or about August 5, 2013 plaintiff was arrested, taken into custody and falsely imprisoned against his will and rights, without any warrant authorizing his arrest or probable cause for the same.

11. Upon information and belief, plaintiff was arrested, taken into custody, and falsely imprisoned against his will and rights.

12. By reason of the wrongful, wanton and malicious acts and/or omissions of the agents, servants and/or employees of the defendants, plaintiff was unlawfully and wrongfully deprived of his liberty and compelled to remain confined in a correction facility against his will and without authority of law from August 5, 2013 through August 9, 2013.

13. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and

has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

SECOND CAUSE OF ACTION - NEGLIGENCE

14. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "13" with the same force and effect as if more fully set forth herein at length.

15. The unlawful and unjustified imprisonment of plaintiff was caused solely by the negligence, carelessness and/or recklessness of the defendants, their agents, servants and/or employees, in failing to properly hire, supervise and train its employees; in failing to properly identify that plaintiff had done nothing improper; in disregarding the plaintiff's claims that she did nothing wrong; in causing, allowing and/or permitting plaintiff to be improperly detained and imprisoned from August 5, 2013 through August 9, 2013.

16. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

THIRD CAUSE OF ACTION – CIVIL RIGHTS VIOLATION

17. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "16" with the same force and effect as if more fully set forth herein at length.

18. As a result of the foregoing, the defendants, their agents, servants and/or employees violated the plaintiff's rights under the Constitution of the United States pursuant to 42 USC 1983 and the Constitution and statutes of the State of New York.

19. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and

has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

FOURTH CAUSE OF ACTION – MALICIOUS PROSECUTION

20. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs numbered "1" through "19" with the same force and effect as if more fully set forth herein at length.

21. Plaintiff was subjected to wrongful and malicious prosecution from his arrest date, August 5, 2013 until his case was finally dismissed on February 28, 2014 by defendants through its agents, servants, and/or employees acting within the scope of their employment and during the course of duty required by their employment..


22. Said malicious prosecution was excessive and was beyond privilege which may have existed, though it is alleged that the arrest was unlawful.

23. By reason of the foregoing, plaintiff was wrongfully deprived of his liberty, and has been injured, humiliated, has suffered mental and physical distress, has had his character and reputation injured, was subject to disgrace, and was otherwise damaged.

WHEREFORE, plaintiff, DEVON HICKSON, demands judgment against defendant in an amount that is in excess of the jurisdictional limits of all lower courts in which this action could otherwise have been brought together with costs, interest and disbursements of this action and for such other and further relief as to this Court may deem just, proper and equitable.

Dated: New York, New York
November 3, 2014

AARON M. WALLENSTEIN, Esq.



Attorney for Plaintiff
DEVON HICKSON
160 Broadway, Suite 600
New York, New York 10038
212-227-7588

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

AARON WALLENSTEIN, affirms under the penalties of perjury the AARON WALLENSTEIN, attorney for plaintiffs herein.

That he has read and knows the contents of the foregoing **VERIFIED SUMMONS AND COMPLAINT** that the same is true of his own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters he believes it be true.

That the reason why this verification is made by your affirmant instead of by the plaintiffs is because the plaintiffs are not within the County of New York, which is the County where your affirmant has his office. Your affirmant further says that the grounds of the belief as to all matters in the said **VERIFIED SUMMONS AND COMPLAINT** are statements of said plaintiffs' papers and records in their possession, and a general investigation of the facts of this case.

Dated: New York, New York

November 3, 2014


AARON WALLENSTEIN, ESQ.

AARON WALLENSTEIN
Law Offices of Aaron Wallenstein

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New York, NY 10038
(212) 227-7588

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Email: awall27@aol.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BROOKLYN

----- X
ROBERT HICKSON

Plaintiff,

Index # _____

- against -

THE CITY OF NEW YORK,
THE NEW YORK CITY DEPARTMENT OF CORRECTIONS, THE NEW YORK
CITY POLICE DEPARTMENT

Defendants.

----- X

SUMMONS AND VERIFIED COMPLAINT

LAW OFFICE OF AARON M. WALLENSTEIN

Counsel to Plaintiff(s)

160 Broadway, Suite 600

New York, NY 10038

(212) 227-7588